THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 23684 of 2006

Date:07-06-2007

Between:

Mittapalli Narasimha Rao ..
PETITIONER

AND

The Superintendent of Police, Khammam and two others
..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to direct the respondents to forthwith add appropriate sections of law in F.I.R.No.60 of 2006, dated 17.08.2006 as per the ingredients of complaint, dated 17.08.2006 and to investigate the case in accordance with law.

Based on the written intimation filed by the petitioner alleging that a cognizable offence has been committed by the accused, the third respondent registered a case in Cr.No.60 of 2006 for the offence under Sections 366, 379, 324, 418, 506 r/w 34 I.P.C. on 17.08.2006. It is stated that the respondents have not properly conducted the investigation and that they have deleted Sections 366, 379 and 418 I.P.C. in order to help the accused, though the offence committed by the accused is grave in nature.

A counter has been filed stating that the allegations made in the complaint have not been established during the course of investigation. It is stated that five witnesses have been examined. A-2 got anticipatory bail. A-1, A-3 to A-6 who confessed about the committing of offence, were arrested on 31.10.2006 and sent to judicial custody. It is stated that the ingredients of Sections 366, 379 and 418 I.P.C. have not been established. Therefore, the charge sheet was filed for the offence under Sections 324 and 506r/w 34 I.P.C.

If the concerned police have not properly investigated the crime, it is open for the petitioner to file a private complaint before the concerned Magistrate for taking appropriate action on the private complaint along with the police report. It is open for the petitioner to file a protest petition in the court with regard to the manner and method of investigation and filing of the final report against the accused persons.

With the above observations, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:07.06.2007
ccm